

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

FRIENDS OF GEORGE’S, INC.,

*Plaintiff,*

v.

STEVEN J. MULROY, in his individual  
capacity,

*Defendant.*

Case No. 2:23-cv-02163-TLP-tmp

Case No. 2:23-cv-02176-TLP-tmp

**UNOPPOSED MOTION OF THE STATE OF TENNESSEE TO INTERVENE  
WITH MEMORANDUM OF LAW INCLUDED**

The State of Tennessee moves to intervene in this matter pursuant to 28 U.S.C. § 2403(b) and Fed. R. Civ. P. 5.1(c) for the purpose of defending the constitutionality of Public Chapter No. 2, 113th General Assembly (2023) (the “Adult Entertainment Act”).

In its pleadings, Plaintiff Friends of George’s, Inc., has challenged the constitutionality of the Adult Entertainment Act and provided the Tennessee Attorney General and Reporter with notice of its challenge. (ECF Nos. 1, 10, 32-1.). Initially, Plaintiff sued the State of Tennessee as well as Governor Bill Lee, Attorney General Jonathan Skrmetti, and District Attorney General Steven Mulroy in their individual and official capacities. On April 19, 2023, Plaintiff dismissed all parties except Steven Mulroy in his individual capacity. ECF Nos. 45, 46; *see also Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc.*, 951 F.3d 769, 772 (6th Cir. 2020) (“[A] notice of dismissal under Rule 41(a)(1) is self-effectuating.”). Accordingly, neither the State nor any of its officers in his official capacity is a party to these proceedings.

When a party draws into question the constitutionality of a state statute and the “State or any agency, officer, or employee thereof is not a party,” a district court “shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality.” 28 U.S.C. § 2403(b); *see also* Fed. R. Civ. P. 5.1(a), (c) (providing that the right to intervene applies when the parties do not include “the state, one of its agencies, or one of its officers or employees *in an official capacity*” (emphasis added)). Since Plaintiff has drawn into question the constitutionality of the Adult Entertainment Act and has dismissed the State and its officers in their official capacities as party defendants, the Court should permit the State to participate as an intervenor.

The State of Tennessee respectfully requests that its Motion to Intervene with Memorandum of Law Included be granted. In accordance with LR 7.2(a)(1)(A), a proposed order is submitted in a word processing format to the Court's ECF mailbox.

Respectfully submitted,  
JONATHAN SKRMETTI  
Attorney General and Reporter

s/James R. Newsom III  
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*Counsel for Intervenor-Defendant  
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**CERTIFICATE OF CONSULTATION**

I hereby certify pursuant to LR 7.2(a)(1)(B) that I consulted with Brice M. Timmons and Melissa J. Stewart, counsel for Plaintiff, and Jessica L. Indingaro, counsel for Defendant Steven J. Mulroy in his individual capacity, by telephone on April 18, 2023, regarding the relief requested in this motion. Counsel for Plaintiff and Defendant did not object to the relief requested in the motion.

s/James R. Newsom III  
Special Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20th day of April, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system.

s/James R. Newsom III  
Special Counsel